

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ORDER

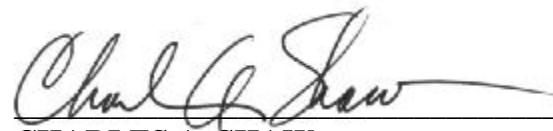
This matter is before the Court on pretrial matters. Pursuant to 28 U.S.C. § 636(b), this Court referred all pretrial matters to United States Magistrate Judge David D. Noce. On May 31, 2005, Judge Noce filed an Order and Recommendation of United States Magistrate Judge which denied as moot defendant's motions for additional time to file pretrial motions and for discovery and disclosure, and the government's motion to dismiss defendant's pretrial motions without an evidentiary hearing. Judge Noce recommended that defendant's motions to suppress physical evidence and to suppress statements be denied as moot, based upon defendant's statement in open court, with counsel, that he had decided not to raise any issues by way of pretrial motions.

No objections have been filed to the Magistrate Judge's Order and Recommendation and the time to do so has passed. The Court has carefully reviewed the record of this matter and will adopt the Magistrate Judge's recommendation.

Accordingly, after careful review,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted** and **incorporated** herein. [Doc. 28]

IT IS FURTHER ORDERED that defendant's Motion to Suppress Physical Evidence and Motion to Suppress Statements are **DENIED as moot**. [Doc. 23, 24]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 20th day of June, 2005.